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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,555	02/19/2004	Yoshihiko Yokoyama	2004-0234A	1708
513 7590 05/12/2009 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER				
CHU, KIM KWOK				
ART UNIT		PAPER NUMBER		
2627				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/780,555

**Applicant(s)**

YOKOYAMA ET AL.

**Examiner**

Kim-Kwok CHU

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendments filed on 12/18/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18, 19, 21-27, 29-34, 36, 38 and 40-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18, 21-26, 29-34, 36, 38, 41 and 43 is/are allowed.
- 6) ☒ Claim(s) 19, 27, 40 and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/29/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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**Response to Remarks**

1. Applicant's Remarks and Amendment filed on December 18, 2008 have been fully considered.

Applicant amends the rejected Claims 19, 27, 40 and 42 with allowable subject matters in dependent Claims 20 and 28. However, a newly found prior art of Kaaden et al (U.S. Patent 6,621, 618) is cited as a prior art that reads on newly amended claims which are being rejected below.

**Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

3. Claims 19, 27, 40 and 42 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kaaden et al. (U.S. Patent 6,621,618).

4. Kaaden teaches an actuator for an optical pickup having all the elements and means as recited in claims 19, 27, 40 and 42.

For example, Song teaches the following elements and means:

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With respect to Claim 19, magnets M (Fig. 1; column 8, line 8) placed in such a manner that magnetic pole surfaces of the magnets M face each other (Fig. 1; both magnets are positioned opposite to each other); a focus coil FC (Fig. 1) for driving a lens member LH to move toward or away from an optical disk (Figs. 1 and 2; LH moves up and down; column 1, lines 64 and 65); a track coil TC for driving the lens member LH in a diametrical (radial) direction of the lens member inward or outward with respect to an optical disk (Figs. 1 and 2; column 6, lines 64 and 65); wherein at least one of the focus coil FC and the track coil TC has a wound line shape (Fig. 2; focusing coil FC in this situation) that includes first sides (magnet side) thereof facing and parallel to the magnetic pole surfaces of the magnets M (Fig. 2) and second sides (wire support connection VP side) thereof that interconnect ends of the first sides (Fig. 2; focusing coil FC is a looping wire), the second sides (Fig. 2; VP side) each bulging (curving) outwardly (Fig. 1), in a diametrical direction of the respective the coil FC (Fig. 1), from ends of the second sides adjoining the first sides toward a portion of the second sides between the ends of the second sides (Fig. 1; focusing coils FC curve outward ); and wherein the wound line is a hexagon (Fig. 1).

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With respect to Claim 40, the at least one of the focus coil FC and the track coil TC having the wound line shape includes at least the focus coil FC (Figs. 1 and 2; focusing coil FC bulging outward in the diameter direction).

5. Claims 27 and 42 have limitations similar to those treated in the above rejection, and are met by the references as discussed above. Claim 27 however also recites the following limitation which are also taught by the prior art of Kaaden:

an optical pickup and a lens member L (Figs. 1 and 2).

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***Allowable Subject Matter***

6. Claims 18, 21-26, 29-34, 36, 38, 41 and 43 are allowable over the prior art.

7. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

As in claims 18, 24, 26, 32 and 34, the prior art of record fails to teach or fairly suggest that an actuator having the following feature:

at least part of the track coil is in a position closer to the optical axis of the lens member than the outermost end portion of the lens member.

As in claims 21 and 29, the prior art of record fails to teach or fairly suggest that an actuator having the following feature:

at least part of the track coil is in a position closer to the optical axis of the lens member than the outermost end portion of the lens member.

As in claim 23 and 31 the prior art of record fails to teach or fairly suggest that an actuator for an optical pickup having a holding portion that holds a peripheral portion of the lens member, and the holding portion having an outermost diameter smaller than the outermost peripheral edge of the lens

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member, an opening portion diametrically inside of said holding portion forming an optical path about the optical axis of the lens member.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

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8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/  
Examiner AU2627  
May 6, 2009  
(571) 272-7585  
/HOA T NGUYEN/

Supervisory Patent Examiner, Art Unit 2627